

United States District Court

EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

PETER DAVID WINEGARNER

V.

CINEMARK HOLDINGS, INC., ET AL.

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CASE NO. 4:09cv627
(Judge Schneider/Judge Mazzant)

MEMORANDUM ADOPTING REPORT AND RECOMMENDATION OF THE UNITED STATES MAGISTRATE JUDGE


Came on for consideration the report of the United States Magistrate Judge in this action, this matter having been heretofore referred to the United States Magistrate Judge pursuant to 28 U.S.C. § 636. On June 30, 2010, the report of the Magistrate Judge was entered containing proposed findings of fact and recommendations that Cinemark Holdings, Inc.'s Motion to Dismiss and, alternatively, Motion for More Definite Statement (Dkt. #10), City of Lewisville, Texas, City of Lewisville Police Department, City of Lewisville Police Chief Russ Kerbow, and City of Lewisville Police Detective Ryan Maly's Motion to Dismiss for Insufficiency of Service of Process (Dkt. #23), and Cinemark Holdings, Inc.'s Supplemental Filing Regarding Pending Motion to Dismiss/Motion for More Definite Statement (Dkt. #28) be DENIED and that Plaintiff shall request new summonses be issued and complete service on or before July 30, 2010.

The Court, having made a *de novo* review of the objections raised by Plaintiff, is of the opinion that the findings and conclusions of the Magistrate Judge are correct, and the objections are without merit. Therefore, the Court hereby adopts the findings and conclusions of the Magistrate Judge as the findings and conclusions of this Court.

It is, therefore, **ORDERED** that Cinemark Holdings, Inc.'s Motion to Dismiss and, alternatively, Motion for More Definite Statement (Dkt. #10), City of Lewisville, Texas, City of Lewisville Police Department, City of Lewisville Police Chief Russ Kerbow, and City of Lewisville Police Detective Ryan Maly's Motion to Dismiss for Insufficiency of Service of Process (Dkt. #23), and Cinemark Holdings, Inc.'s Supplemental Filing Regarding Pending Motion to Dismiss/Motion for More Definite Statement (Dkt. #28) are DENIED.

IT IS SO ORDERED.

SIGNED this 21st day of July, 2010.


MICHAEL H. SCHNEIDER
UNITED STATES DISTRICT JUDGE